



MISSOURI ETHICS COMMISSION

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Jefferson City, MO 65102

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Julie A. Allen

Executive Director

June 28, 2010

Opinion No. 2010.06.CF.001

At the June 25, 2010 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

*Can campaign contributions received by a candidate committee be used to pay any or all of the legal expenses that have been incurred by the candidate as a result of challenging the qualifications of an opponent in an election on the basis that the opponent did not reside in the county for one year prior to the date of the election as required by §478.320.6 RSMo. The lawsuit was filed pursuant to §115.575, RSMo and other relevant election qualification statutes. §130.034.2, RSMo states contributions received by candidates may be used for:*

(1) Any ordinary expenses incurred relating to a campaign;

...

(3) Any expenses associated with the duties of candidacy or of elective office pertaining to the entertaining of or providing social courtesies to constituents, professional associations, or other holders of elective office;

§130.033, RSMo states that any reasonable attorney's fees accrued by a person who is the subject of a complaint which are used in defending such person in any matter resulting in an investigation arising from holding or running for public office may be paid out of such person's committee.

In MEC Opinion No. 1997.11.107, the Commission stated that contributions could not be used to pay legal fees to defend a lawsuit concerning a recall petition. The Commission stated that these fees were not ordinary and necessary expenses incurred in connection with the duties of an office holder, and were therefore not a permissible use of contributions to a candidate or continuing committee.

Unlike §130.033, RSMo, Chapter 130 does not expressly provide that campaign contributions may be used to pay legal expenses that have been incurred by a candidate to challenge the qualifications of an opponent. It is the Commission's opinion that such expenses are not "ordinary" expenses incurred relating to a campaign or associated with the duties of candidacy.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Allen".

Julie Allen, CPA, PMP  
Executive Director